

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed April 18, 2005. Claims 1-29 were pending in the Application. In the Office Action, Claims 1-29 were rejected. In order to expedite prosecution of this Application, Applicants amend Claim 14. Thus, Claims 1-29 remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

**OATH/DECLARATION**

In the Office Action, the Examiner asserts that the originally-filed oath and declaration is defective because it was not signed by one of the inventors (Richard P. Tarquini) (Office Action, page 2). Applicants respectfully disagree. Applicants submit herewith, in Appendix A, a copy of the originally-filed oath and declaration for the present application containing the signature of inventor Richard P. Tarquini. Applicants respectfully point out to the Examiner that there are two pages corresponding to sheet 2 of the oath and declaration (one signed by inventor George S. Gales and the other signed by Richard P. Tarquini). Therefore, Applicants respectfully request that this objection be withdrawn.

**SECTION 112 REJECTIONS**

Claim 14 was rejected under 35 U.S.C. §112. Specifically, the Examiner indicated that claim 14 has insufficient antecedent basis for the phrase “the anti-virus system.” Applicants have amended Claim 14 to depend from Claim 5 as suggested by the Examiner (Claim 5 depending from 1 and introducing the “anti-virus system”). Applicants submit that the amendment to Claim 14 is for grammatical purposes only, is not made based on any cited reference and, therefore, does not narrow or otherwise change the scope of Claim 14. Applicants respectfully request that this rejection be withdrawn.

**SECTION 102 REJECTIONS**

Claims 1-3, and 15-17 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,405,318 issued to Rowland (hereinafter "*Rowland*"). Claims 22-29 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,956,481 issued to Walsh et al. (hereinafter "*Walsh*"). Applicants respectfully traverse these rejections.

**Rowland Reference**

Of the rejected claims, Claims 1 and 15 are independent. Applicants respectfully submit that *Rowland* does not disclose or even suggest each and every limitation of independent Claims 1 and 15. For example, independent Claim 1 recites, at least in part, "an intrusion detection system integrated with [an] operating system," and independent Claim 15 recites, at least in part, "executing an OS-integrated intrusion detection system" (emphasis added). Applicants respectfully submit that *Rowland* does not disclose or even suggest an intrusion detection system integrated into an operating system as generally recited by independent Claims 1 and 15. In the Office Action, the Examiner generally refers to column 2, lines 40-58 and 65-67, and column 3, lines 44-47, of *Rowland* as disclosing Applicants' invention (Office Action, page 5). Applicants respectfully disagree. The portions of *Rowland* referred to by the Examiner appear to be directed toward a system that builds user profile data (known as a signature) for each user (or alternately, a class of users) that can be used to determine normal actions for each user by comparing a user's past behavior with a user's current behavior (*Rowland*, column 2, lines 40-50). *Rowland* also appears to disclose that the *Rowland* system provides real-time monitoring of log audit files, port scan detection capability and session monitoring (e.g., the log audit function continuously monitors system log files for anomalous activity which can include known suspicious activity and unknown system anomalies) (*Rowland*, column 2, lines 65-67, column 3, lines 40-47). *Rowland* does not appear to disclose or even suggest, in the portions referred to by the Examiner or elsewhere in *Rowland*, an operating system having an intrusion detection system integrated therein as recited by Claims 1 and 15. In fact, the Examiner has not explicitly identified any disclosure in *Rowland* even referring to an operating system or the interaction of the *Rowland* intrusion detection system with any such operating system. Applicants respectfully submit

that such disclosure is apparently absent from *Rowland* and, accordingly, *Rowland* does not anticipate independent Claims 1 and 15.

Claims 2, 3, 16 and 17 that depend respectively from independent Claims 1 and 15 are also not anticipated by *Rowland* at least because they incorporate the limitations of respective Claims 1 and 15 and also additional elements that further distinguish *Rowland*. Therefore, Applicants respectfully request that the rejection of Claims 2, 3, 16 and 17 be withdrawn.

Walsh Reference

Of the rejected claims, Claim 22 is independent. Applicants respectfully submit that *Walsh* does not disclose or even suggest each and every limitation of independent Claim 22. For example, independent Claim 22 recites, at least in part, “executing an OS-integrated anti-virus system” (emphasis added). In the Office Action, the Examiner refers to column 2, lines 63-64, of *Walsh* as disclosing the above-referenced limitation of independent Claim 22 (Office Action, page 3). Applicants respectfully disagree. Column 2, lines 63-64, of *Walsh* recites the following:

The present invention addresses the above needs by providing a system for protecting a computer from infection by a virus that attacks data files of an executable program.

Applicants respectfully submit that the portion of *Walsh* referenced by the Examiner fails to rise to the level required to support a rejection under 35 U.S.C. § 102. For example, the Examiner does not explicitly identify, either in the above-referenced portion of *Walsh* or elsewhere in *Walsh*, an anti-virus system integrated into an operating system. In fact, the Examiner has not explicitly identified any disclosure in *Walsh* even referring to an operating system or the interaction of the *Walsh* anti-virus system with any such operating system. Applicants respectfully submit that such disclosure is apparently absent from *Walsh* and, accordingly, *Walsh* does not anticipate independent Claim 22.

Claims 23-29 that depend from independent Claim 22 are also not anticipated by *Walsh* at least because they incorporate the limitations of Claim 22 and also additional

elements that further distinguish *Walsh*. Therefore, Applicants respectfully request that the rejection of Claims 23-29 be withdrawn.

**SECTION 103 REJECTIONS**

Claims 4-5 and 10-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Rowland* in view of *Walsh*. Claims 6-9 and 18-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Rowland* in view of U.S. Patent No. 6,851,061 issued to Holland, III et al. (hereinafter "*Holland*"). Applicants respectfully traverses these rejections.

Claims 4-9, 10-14 and 18-21 depend respectively from independent Claims 1 and 15. At least for the reasons discussed above, Claims 1 and 15 are in condition for allowance. Therefore, Claims 4-9, 10-14 and 18-21 that depend respectively therefrom are also allowable. Accordingly, Applicants respectfully request that the rejection of Claims 4-9, 10-14 and 18-21 be withdrawn.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

By: James L. Baudino  
James L. Baudino  
Reg. No. 43,486

Date: July 18, 2005

Correspondence to:  
L.Joy Griebenow  
Hewlett-Packard Company  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400  
Tel. 970-898-3884